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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/551,457

09/30/2005

Masao Suzuki

053197

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38834

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12/03/2008

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EXAMINER

RACHUBA, MAURINA T

ART UNIT

PAPER NUMBER

3727

MAIL DATE

DELIVERY MODE

12/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/551,457

Applicant(s)

SUZUKI ET AL.

Examiner

Maurina Rachuba

Art Unit

3727

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6 and 9-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6 and 9-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4, 5, 11, 20, 21, 22 and 25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Jensen, Jr. 4,728,552, as set forth in the Office action mailed 20 February 2008. Further, '552, column 9, lines 51-55, teaches that polyester fibers are used, and that other fibers, such as aramids (Kevlar[™]), which are aromatic polyamides.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4, 5, 9, 10, 11, 20-22 and 25 are rejected under 35 U.S.C. 102(a) as being anticipated by Tolles, 6,533,645, or, in the alternative, under 35 U.S.C. 103(a) as

obvious over Tolles, 6,533,645 in view of Jensen, Jr. 4,728,552, as set forth in the Office action mailed 20 February 2008. Note that '645, column 3, lines 1—28, discloses that the fibers may be aramid, an aromatic polyamide (Webster's Dictionary" defines aramid as "any of a group of lightweight but very strong heat-resistant synthetic aromatic polyamide materials that are fashioned into fibers, filaments, or sheets and used especially in textiles and plastics "¹). Further, regarding claim 20, '645 discloses that the fibers are mixed with the binder, dried and then pressed. '645 does not disclose that the fibrous base is impregnated with resin and laminated with base materials, then molded with heat and pressure. In a similar method, '552, column 15, lines 50 through column 16, lines 46, teaches that it is old and well known to make a fibrous pad by impregnating the fibrous pad with resin and laminating with base materials under pressure and heat. It would have been obvious to one of ordinary skill in the art to have provided '645 with the laminating step taught by '552, for the predictable result of making a stronger pad.

6. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Tolles, 6,533,645 or Jensen, Jr. 4,728,552 as set forth in the Office action mailed 20 February 2008.

7. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen, Jr. 4,728,552, as set forth in the Office action mailed 20 February 2008.

¹ Merriam-Webster Online Dictionary copyright © 2005 by Merriam-Webster, Incorporated

8. Claims 16-18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tolles, 6,533,645 in view of Koike et al, 6,544,104, as set forth in the Office action mailed 20 February 2008.

9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tolles, 6,533,645 or Jensen, Jr. 4,728,552 in view of Roberts et al, 6,022,268, as set forth in the Office action mailed 20 February 2008.

10. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tolles, 6,533,645, as set forth in the Office action mailed 20 February 2008.

Response to Arguments

11. Applicant's arguments filed 19 June 2008 have been fully considered but they are not persuasive. Applicant argues that Jensen does not disclose the claimed ratio of fibers to resin. The examiner disagrees. Figure 16 of Jensen clearly sets forth the ratio fiber to resin as being .5 or less. This clearly meets applicant's claimed limitations. Further, Tolles discloses that the ration is about 50%. As "about" includes slightly below 50%, this also clearly meets applicant's claimed invention. It is noted that applicant is apparently arguing that Jensen, in discloses the fiber as polyester, does not meet the limitation of claims 1 or 2, of the fiber being an aromatic polyamide. Yet applicant, claim 13, also claims that the aromatic polyamide is a polyester fiber.

While any unexpected improvement that may result from applicant's invention may be set forth in the specification, it is the examiner's position that as claimed, the invention is not novel or unobvious as set forth above.

Conclusion

12. This action is made non-final to allow applicant fair opportunity to respond.
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maurina Rachuba whose telephone number is 571 272 4493. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on 571 272 4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Rachuba/
Primary Examiner, Art Unit 3723